

The Honorable Richard A. Jones
The Honorable Brian A. Tsuchida

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTH CASCADES CONSERVATION
COUNCIL; and KATHY JOHNSON,

Plaintiffs.

V.

UNITED STATES FOREST SERVICE, an administrative agency of the United States of America; VICKI CHRISTIANSEN, Chief of the Forest Service; JAMIE KINGSBURY, Former Forest Supervisor for Mount Baker-Snoqualmie National Forest; JODY WEIL, current Forest Supervisor for Mount Baker-Snoqualmie National Forest; PETER FORBES, Former District Ranger for Darrington Ranger District; ERIN ULOTH, Former Acting District Ranger for Darrington Ranger District; GRETCHEN SMITH, Current District Ranger for Darrington Ranger District; PHYLLIS REED, Project Lead for Darrington Ranger District.

Defendants

WHEREAS by order dated December 15, 2020, dkt. # 14, this Court established a briefing schedule in the above-captioned lawsuit for anticipated motions for summary judgment; and

STIPULATION FOR ORDER MODIFYING AND EXTENDING
BRIEFING SCHEDULE ON DISPOSITIVE MOTIONS;
ORDER THEREON - 1
(Case No. C20-1321-RAG-BAT)

UNITED STATES ATTORNEY
5220 UNITED STATES COURTHOUSE
700 Stewart Street
Seattle, Washington 98101-1271
(206)-553-7970

1 WHEREAS on January 3, 2020, counsel for defendants was assigned a new lawsuit in which
 2 a preliminary injunction was requested on minimum time; and

3 WHEREAS counsel for defendants was mostly unsuccessful in his efforts to obtain
 4 additional time to prepare a response to the motion for a preliminary injunction and has consequently
 5 been unable to work on the present case because of the need to spend unanticipated time preparing a
 6 defense in the other lawsuit; and

7 WHEREAS, accordingly, defendants' counsel requested that counsel for plaintiffs and
 8 counsel for the putative intervenors agree to stipulate to a request for a two-week extension of the
 9 existing briefing schedule with a modification of the schedule to eliminate the possibility of a cross-
 10 motion; and

11 WHEREAS the parties (including the putative intervenors) have conferred and agreed to the
 12 proposal set forth below;

13 NOW THEREFORE the parties, through their respective counsel of record, do hereby
 14 stipulate and agree that the Court may make and enter the following order:

15 1. Defendants agree that they will not file a cross-motion in response to plaintiffs' motion
 16 for summary judgment (Dkt. # 21). Instead, the parties agree that if plaintiffs' motion for summary
 17 judgment is denied, the Court may enter judgment for defendants pursuant to Rule 56(f)(1) without a
 18 cross-motion and without affording plaintiffs any additional notice or opportunity to respond as
 19 provided in the Rule.

20 2. The briefing schedule entered by the Court on December 15, 2020, shall be modified as
 21 follows:

22 a. Defendants shall file their opposition to the dispositive motion of plaintiffs by no later
 23 than Monday, March 15, 2021, supported by a memorandum of law that shall not exceed 24 pages in
 24 length.

25 b. Plaintiffs may, if they choose, file a reply memorandum by no later than Monday, April 8,
 26 2021. The optional reply memorandum shall not exceed 12 pages in length.

27 c. Plaintiffs' motion for summary judgment shall be noted for Monday, April 8, 2021.

28 STIPULATION FOR ORDER MODIFYING AND EXTENDING
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1 3. The parties may seek an adjustment in the page limitations as necessary pursuant
2 to LCR 7(f) of the Local Rules of this District.

3 || SO STIPULATED.

4 DATED this 17th day of February 2021.

BRIAN T. MORAN
United States Attorney

/s/ Brian C. Kipnis
BRIAN C. KIPNIS
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Attorneys for Defendants

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STIPULATION FOR ORDER MODIFYING AND EXTENDING
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ORDER THEREON - 3
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1 **SO STIPULATED.**

2 DATED this 17th day of February 2021.

3 BRICKLIN & NEWMAN, LLP

4 */s/ David A. Bricklin*
5 DAVID A. BRICKLIN, WSBA No. 7583

6 */s/ Alex Sidles*
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9 Attorneys for Plaintiffs

10
11 **ORDER**

12 IT IS SO ORDERED.

13 DATED this ____ day of February 2021.

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BRIAN A. TSUCHIDA
17 Chief United States Magistrate Judge

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28 STIPULATION FOR ORDER MODIFYING AND EXTENDING
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ORDER THEREON - 4
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